

FILED

February 18, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF**DONNA L. SPENCER, M.D.
License No. MA59869****Administrative Action****TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :****FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Donna L. Spencer, M.D., is the holder of License No. MA59869 and was licensed to practice medicine and surgery in the State of New Jersey from 1993 until 1995 after which time Respondent permitted that license to lapse.

2. On or about March 18, 2004, the New York State Department of Health, State Board of Professional Medical Conduct ("New York Board") filed a Statement of Charges against Respondent alleging that Respondent committed professional misconduct under New York Education Law Section 6530(2) by practicing the profession of medicine fraudulently. Specifically, the New Board alleged that on repeated occasions in March 2002, Respondent, knowingly and with an intent to mislead, inappropriately obtained drugs for herself,

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specifically Versed, Propofol and Fentanyl, that were legitimately prescribed to Patients A-P, The New York Board also charged Respondent with committing professional misconduct as defined in New York Education Law Section 6530(29) by violating any term of probation or condition or limitation imposed on the licensee, in that, on repeated occasions Respondent violated conditions imposed upon her in a Restoration Order which went into effect on or about July 10, 2000. On or about March 29, 2004, the New York Board issued a Consent Order adopting the terms of the Consent Agreement executed by Respondent. The New York Board suspended Respondent's license to practice medicine for an indefinite period of not less than six (6) months. Upon compliance with all of the conditions of the Consent Agreement and Order, but not sooner than six (6) months from the effective date of the Order, Respondent may petition the New York Board for a Modification Order staying the indefinite suspension of her license. Pursuant to the Consent Agreement and Order, Respondent did not contest the First and Second Specifications, Fraudulent Practice and Having Violated Conditions Imposed Pursuant to Public Health Law Section 230 respectively, in full satisfaction of the charges against her. (Copy of Order and available supporting materials are annexed hereto and made a part hereof) .

CONCLUSION OF LAW

1. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that, Respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.

2. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that, Respondent has engaged in professional or occupational misconduct as may be determined by the Board.

3. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that, Respondent has had her license to practice medicine and surgery suspended in another State.

4. Respondent's failure to submit her biennial renewal in 1995 resulting in a lapsed license status provides grounds to automatically suspend Respondent's license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-7.1(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice medicine and surgery in the State of New Jersey was entered on October 18, 2004 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 18th day of Feb, 2005,
ORDERED THAT:

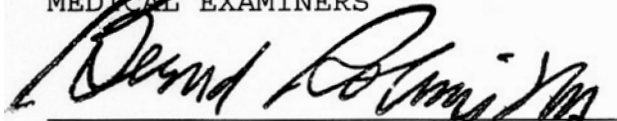
1. Respondent's license to practice medicine and surgery in the State of New Jersey be and hereby is suspended until such time

as her license to practice medicine is fully reinstated in the State of New York.

2. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board or a committee thereof, to demonstrate fitness to resume practice, to show that Respondent has satisfied all requirements of any New York disposition and is reinstated to the practice of medicine in that State.

By :

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read "Bernard Robins", is written over a horizontal line.

Bernard Robins, M.D., F.A.C.P.
Board President